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Attorneys for Plaintiff Bank of America, N.A.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff,

v.

MPLDP, LLC, a Nevada limited liability
company; DEVENDRAKUMAR PATEL, an
individual; MEENAKSHI PATEL, an
individual; PATEL NORTH EASTERN
NEVADA CARDIOLOGY PC, a Nevada
professional corporation; DOE
DEFENDANTS I-X; and ROE
CORPORATE DEFENDANTS XI-XX,
inclusive

Defendants.

Case No. 3:13-cv-00061

**PLAINTIFF'S *EMERGENCY* MOTION
FOR ORDER AUTHORIZING
TURNOVER OF RECEIVERSHIP
PROPERTY AND ISSUANCE OF A
FINAL REPORT**

Plaintiff Bank of America N.A. ("Bank of America" or "Plaintiff"), by and through its
attorneys, Holland & Hart, LLP, hereby submits this motion for an order authorizing the
turnover of receivership property and the issuance of a final receivership report within thirty
(30) days ("Motion").

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This motion is based upon the following memorandum of points and authorities, the pleadings and papers on file herein, and any oral argument this Court may choose to allow in this matter.

DATED June 26, 2013.



Richard L. Elmore, Esq.
J. Stephen Peek, Esq.
David J. Freeman, Esq.
Holland & Hart LLP
5441 Kietzke Lane, Second Floor
Reno, NV 89511

Attorneys for Plaintiff Bank of America, N.A.

AFFIDAVIT IN SUPPORT OF EMERGENCY MOTION (LOCAL RULE 7-5)

STATE OF NEVADA)
COUNTY OF WASHOE) ss.

Richard L. Elmore, being first duly sworn, hereby deposes and says:

1. I am a senior partner at Holland & Hart, LLP, counsel for Plaintiff. Unless stated otherwise, I make this affidavit upon personal knowledge and would be competent to testify to the matters stated herein.

2. There exists good cause to hear Plaintiff's Emergency Motion.

3. Plaintiff initiated this action by filing a Complaint on the 8th day of February, 2013, for the appointment of a receiver for the operation, management, inspection, and possible disposition of the real property owned by Defendant MPLDP, LLC ("Borrower") and located at 2715 Argent Ave., Elko, NV 89801 bearing Assessor Parcel Number 001-660-099 (the "Property"), under the authority of NRS 107.100, NRS 107A.260 and NRS 32.010 and certain loan documents evidencing and securing a \$1.7 million loan issued to Borrower by Plaintiff.

4. On May 23, 2013, this Court appointed Dotan Y. Melech (the "Receiver") as receiver over the Property for purposes of protecting such Property during the pendency of foreclosure proceedings instituted by Plaintiff. A true and correct copy of the Order is attached

hereto as **Exhibit 1**.

5. On or about June 21, 2013, Borrower satisfied the total indebtedness secured by the Loan Documents.

6. Because Borrower has satisfied the indebtedness secured by the Loan Documents, the parties need an immediate order from the Court allowing the Receiver to turn over possession of the Property to Borrower.

7. The office addresses and telephone numbers of movant and all affected parties are as follows:

Movant's contact information:

c/o Richard L. Elmore, Esq.
J. Stephen Peek, Esq.
David J. Freeman, Esq.
Holland & Hart LLP
5441 Kietzke Lane, 2nd Floor
Reno, NV 89511
Telephone (775) 327-3000

Borrower's and Guarantors' contact information:

c/o Steven T. Loizzi, Jr., Esq.
Loizzi and Associates, P.C. and
The McCann Law Group, LLP
Consumer Attorney Services
3530 E. Flamingo Rd.
Las Vegas, NV 89121
Telephone: (702) 410-8120

8. Accordingly, Plaintiff respectfully requests that this Court hear its emergency Motion on shortened time so that the receiver can immediately turnover the property to Borrower.

DATED June 26, 2013.


RICHARD L. ELMORE

SUBSCRIBED and SWORN to before me
on June 26, 2013.


NOTARY PUBLIC



1 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
 2 **PLAINTIFF'S EMERGENCY MOTION FOR ORDER AUTHORIZING TURNOVER**
 3 **OF RECEIVERSHIP PROPERTY AND ISSUANCE OF A FINAL REPORT**

4 Plaintiff initiated this action by filing a Complaint on the 8th day of February, 2013, for
 5 the appointment of a receiver for the operation, management, inspection, and possible
 6 disposition of the real property owned by Defendant MPLDP, LLC ("Borrower") and located at
 7 2715 Argent Ave., Elko, NV 89801 bearing Assessor Parcel Number 001-660-099 (the
 8 "Property"), under the authority of NRS 107.100, NRS 107A.260 and NRS 32.010 and certain
 9 loan documents evidencing and securing a \$1.7 million loan issued to Borrower by Plaintiff.
 10 On May 23, 2013, this Court appointed Dotan Y. Melech (the "Receiver") as receiver over the
 11 Property for purposes of protecting such Property during the pendency of foreclosure
 12 proceedings instituted by Plaintiff. *See* Exhibit 1. On or about June 21, 2013, Borrower
 13 satisfied the total indebtedness secured by the Loan Documents.

14 Because Borrower has satisfied the indebtedness secured by the Loan Documents, the
 15 parties need an immediate order from the Court allowing the Receiver to turn over possession of
 16 the Property to Borrower leaving the Receiver with no assets to administer in the estate. The
 17 Receiver will be filing a final report within thirty (30) days, which shall include (1) a
 18 declaration or declarations (i) stating what was done during the receivership; (ii) certifying the
 19 accuracy of the final accounting; (iii) stating the basis for the termination of the receivership
 20 (such as foreclosure or reinstatement); and (iv) stating the basis for an order for the distribution
 21 of any surplus or payment of any deficit; and (2) a summary of the receivership accounting,
 22 which shall include (i) the total revenues received; (ii) the total expenditure identified and
 23 enumerated by major categories; (iii) the net amount of any surplus or deficit; and (iv) evidence
 24 of necessary supporting facts (the "Final Report"). *See* Exhibit 1, at ¶ 32.

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1 While the Receiver is preparing the Final Report, Plaintiff respectfully requests an order
2 from the Court authorizing the Receiver to turn over possession of the Property to Borrower.

3 DATED June 26, 2013.

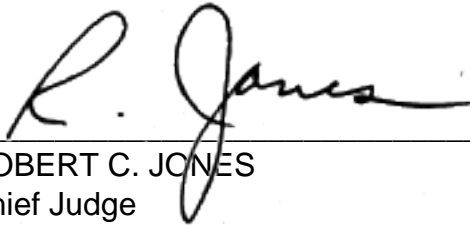


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Reno, NV 89511

Attorneys for Plaintiff Bank of America, N.A.

10
11
12 ORDER

13 IT IS SO ORDERED this 6th day of September, 2013.



16 ROBERT C. JONES
17 Chief Judge

HOLLAND & HART LLP
5441 Kietzke Lane, 2nd Floor
Reno, Nevada 89511